

# AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT / SOUTHERN DISTRICT OF NEW YORK

No. 07 CIV 9509

**THE RETIREMENT PLAN OF THE UNITE HERE  
NATIONAL RETIREMENT FUND,  
Plaintiff,**

*-against-*

**CLARION BEACHWOOD HOTEL  
Defendant.**

---

State Of Ohio, County of Cuyahoga SS:

**ROGER D. SPIES**

Being duly sworn, deposes and says that he is over the age of 18 years, is not a party to this action and resides in Cleveland

That on the 29<sup>TH</sup> day of OCTOBER 2007, At: 12:20 PM

At: 26300 CHAGRIN BLVD., BEACHWOOD, OH 44122

Deponent served the: **SUMMONS IN A CIVIL ACTION, COMPLAINT, 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL, GUIDELINES FOR ELECTRONIC CASE FILING, PROCEDURES FOR ELECTRONIC CASE FILING, INDIVIDUAL RULES OF THE HONORABLE ALVIN K. HELLERSTEIN, AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE THEODORE H. KATZ**

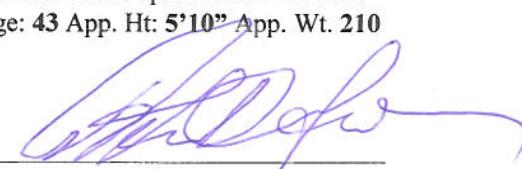
Upon: **CLARION BEACHWOOD HOTEL**

## PERSONAL SERVICE ON A CORPORATION

A corporation, by delivering thereat a true copy to **JOE CORRIGANT (MANAGER)** personally; who stated, that he is the said individual to be *Authorized To Accept Service* thereof.

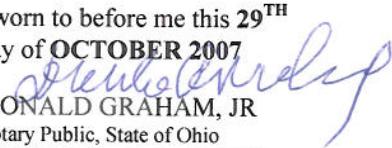
**DESCRIPTION** - Deponent describes the individual served or spoken to as follows:

Sex: **MALE** Color: **WHITE** Hair: **BROWN** App. Age: **43** App. Ht: **5'10"** App. Wt. **210**  
Other identifying features: **GLASSES**



ROGER D. SPES

Sworn to before me this 29<sup>TH</sup>  
day of **OCTOBER 2007**

  
**DONALD GRAHAM, JR**  
Notary Public, State of Ohio  
My Commission Expires 3-17-10  
Recorded in Cuyahoga County

**Judge Hellerstein**

UNITED STATES DISTRICT COURT

Southern

District of

New York

THE RETIREMENT PLAN OF THE UNITE HERE  
NATIONAL RETIREMENT FUND

**SUMMONS IN A CIVIL ACTION**

v.

CLARION BEACHWOOD HOTEL

CASE NUMBER:

**07 CIV 9509**

TO: (Name and address of Defendant)

Clarion Beachwood Hotel  
26300 Chagrin Blvd  
Beachwood, OH 44122

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Schulte Roth & Zabel LLP  
919 Third Avenue  
New York NY 10022  
Telephone: (212) 756-2000  
Facsimile: (212) 593-5955

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

OCT 24 2007

DATE